

CHAPTER 11-19 COUNTY CORONER

11-19-01. Coroner to act as sheriff. When there shall be no sheriff or deputy sheriff in an organized county, the coroner of the county shall exercise all the powers and duties of that office until the same shall be filled as provided by law. When the sheriff is committed to jail or is otherwise disqualified, the coroner shall be the keeper of the jail and shall perform the duties of the sheriff during the continuance of the disqualification.

11-19-02. When coroner to hold inquest. Except as otherwise specifically provided, the coroner shall hold inquests upon the dead bodies of such persons only as the coroner believes to have died within the coroner's county by unlawful means.

11-19-02.1. Sheriff or highway patrolman may call nearest available coroner. Whenever a county sheriff or a duly appointed, qualified, and acting highway patrolman of this state appears at the site or scene of the death of a human being upon or near a highway, whether such death appears to have resulted from an automobile accident or from some other cause, the officer is hereby authorized to call the nearest available county coroner to view the body.

The county coroner so called shall immediately view the body and take such official action as may appear to the coroner to be necessary in the premises, and the coroner is hereby authorized so to do if the site of such fatality is not within the county for which the coroner was elected or appointed.

11-19-03. If inquest not held - Certificate filed. If the coroner does not deem it necessary to hold an inquest in a case brought to the coroner's attention, the coroner shall file a certificate setting forth all the facts in relation to the case with the recorder of the county within which the dead body is found, unless the board of county commissioners designates a different official.

11-19-04. Peace officer to be summoned - Warrant issued to summon jurors. When the coroner has notice that the dead body of a person supposed to have died by unlawful means has been found in the county, the coroner shall summon the sheriff, a police officer, or the state's attorney to accompany the coroner and shall issue a warrant to the sheriff requiring the sheriff to summon forthwith three electors who have the qualifications of jurors of the county to appear before the coroner at the time and place named in the warrant.

11-19-05. Form of warrant to summon coroner's jury. The warrant to summon a coroner's jury must be in substantially the following form:

State of North Dakota)
) ss.
County of _____)
To the sheriff of said county:

You shall summon three electors, having the qualifications of jurors of your county, to appear before me at (name the place) at (name the day and hour or say forthwith), to hold an inquest on the dead body of _____ and find by what means that person died.

Signed _____,

Coroner

11-19-06. Completing coroner's jury. If any juror fails to appear, the coroner shall cause the proper number of persons to be summoned from the bystanders and immediately shall proceed to impanel them and administer the oath prescribed in section 11-19-07.

You do solemnly swear (or affirm) that you will diligently inquire and true presentment make as to when, how, and by what means the person whose body here lies dead came to death, according to your knowledge and the evidence given to you.

11-19-09. State forensic examiner may be summoned as expert - Compensation.
If, on an inquest, the coroner or the jury deems it necessary, the coroner may summon the state forensic examiner to make a scientific examination of the body.

You do solemnly swear that the testimony which you shall give to this inquest concerning the death of the person here lying dead shall be the truth, the whole truth, and nothing but the truth. So help you God.

State of North Dakota)
) ss.
County of _____)

The jurors have signed this return on the indicated day and year.

11-19-12. Name of accused not to be disclosed. If it is found at the inquisition that a crime has been committed on the deceased, the name of the person believed by the jury to have committed such crime shall not be made public until after the accused has been arrested.

11-19-14. Warrant returnable to a district judge. The warrant of the coroner is of equal authority with that of a district judge. When the person charged is brought before the district judge, the same proceedings shall be had as in other criminal proceedings.

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and the verdict of the jury leading to the arrest. The warrant is sufficient foundation for the proceedings of the district judge.

11-19-16. Testimony at coroner's inquest to be reduced to writing - Records filed.

The testimony of all witnesses examined before the coroner's jury shall be reduced to writing by the coroner or under the coroner's direction, and shall be subscribed by the witnesses, respectively. The coroner shall file the testimony, together with a record of all proceedings had before the coroner, in the office of the recorder of the county within which the inquest was held, unless the board of county commissioners designates a different official.

11-19-17. Filing of coroner proceedings. The recorder, unless the board of county commissioners designates a different official, shall file, index, and enter the proceedings of the coroner in a book kept for that purpose.

11-19-18. Disposition of body. The coroner shall cause the body of each deceased person which the coroner is called to view to be delivered to the person or persons charged with the duty of burial in accordance with section 23-06-03.

11-19-19. Acting coroner. When there is no coroner or the coroner is absent or unable to act, the following persons are authorized to perform the duties of coroner in relation to dead bodies:

1. The sheriff of the county, a state highway patrol officer, or any special agent of the bureau of criminal investigation.
2. An emergency medical technician who has received previous written notification from the attending physician of the deceased person that the person was suffering from an illness known to be terminal.
3. A forensic dentist or a dentist with a background in forensics.

11-19-20. Coroner to deliver property found on body to treasurer. The coroner, within thirty days after an inquest, shall deliver to the county treasurer any money or other property which may be found upon the body unless the same is claimed by the legal representatives of the deceased. If the coroner fails to do so, the treasurer may proceed against the coroner for its recovery by a civil action in the name of the county.

11-19-21. Disposition of money and property delivered to treasurer by coroner. The treasurer shall place to the credit of the county all moneys delivered to the treasurer by the coroner. If property other than the money is delivered to the treasurer by the coroner, the treasurer, within thirty days thereafter, shall sell it at public auction upon reasonable public notice and shall place the proceeds to the credit of the county.

11-19-22. Money paid to legal representative of deceased - When and how. If the money delivered by the coroner to the treasurer, or the proceeds from the sale of property delivered by the coroner to the treasurer are demanded by the legal representatives of the deceased within six years after the inquest, the treasurer must pay it to them after deducting the fees and expenses of the coroner and of the county in relation to the matter. Such money may be paid to the legal representative of the deceased at any time after the expiration of such six-year period upon the order of the board of county commissioners.

11-19-23. Fees to be charged by coroner. The coroner shall be entitled to charge and to receive the following fees:

1. For all services performed in connection with any one case, whether inquest is held or not, ten dollars.
2. For each mile [kilometer] actually traveled to and returning from an examination or inquest, the same rate per mile [kilometer] as is provided by section 11-10-15.

3. For physician making a post-mortem examination of a dead body, ten dollars.
4. For other services rendered, the same fees as are specified for sheriffs, and mileage as is provided for other county officials by section 11-10-15.

11-19-24. Coroner must file statement showing disposition of property found by the coroner. Before the board of county commissioners shall audit and allow the account of the coroner, the coroner must submit to the board a verified statement in writing showing the money or property found upon persons on whom the coroner has held inquests and showing to whom the money or property has been delivered.

11-19-25. Coroner's fees paid out of county treasury - Duty of county auditor. The fees and mileage allowed to the coroner must be paid out of the county treasury and the coroner's bill must be presented to the county auditor and filed by the coroner with the district judge.

11-19-26. Fees - How paid in case of murder or manslaughter. In cases of murder or manslaughter, the fees and mileage allowed to the coroner shall be paid out of the goods, chattels, lands, or tenements of the slayer, if the slayer has any. If the slayer is not able to pay such fees and mileage, the same shall be paid by the county.